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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 DANIEL JUAREZ,

Case No. 3:20-cv-00297-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 HANF, *et al.*,

Defendants.

10 This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983  
11 by a former state inmate. On May 17, 2021, the Court issued an order directing Plaintiff  
12 Daniel Juarez to file his updated address with the Court by June 18, 2021. (ECF No. 7.)  
13 The deadline has now expired, and Juarez has not filed his updated address or otherwise  
14 responded to the Court's order.

15 District courts have the inherent power to control their dockets and “[i]n the  
16 exercise of that power, they may impose sanctions including, where appropriate . . .  
17 dismissal” of a case. *Thompson v. Hous. Auth. of City of L.A.*, 782 F.2d 829, 831 (9th Cir.  
18 1986). A court may dismiss an action, with prejudice, based on a party's failure to  
19 prosecute an action, failure to obey a court order, or failure to comply with local rules. See  
20 *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for  
21 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)  
22 (affirming dismissal for failure to comply with an order requiring amendment of complaint);  
23 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to  
24 comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone*  
25 *v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure  
26 to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)  
27 (affirming dismissal for lack of prosecution and failure to comply with local rules).

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1 In determining whether to dismiss an action for lack of prosecution, failure to obey  
2 a court order, or failure to comply with local rules, the Court must consider several factors:  
3 (1) the public's interest in expeditious resolution of litigation; (2) the Court's need to  
4 manage its docket; (3) the risk of prejudice to Defendants; (4) the public policy favoring  
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
6 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
7 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

8 Here, the Court finds the first two factors, the public's interest in expeditiously  
9 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
10 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
11 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
12 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air W.*,  
13 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring disposition of  
14 cases on their merits—is greatly outweighed by the factors in favor of dismissal discussed  
15 herein. Finally, a court's warning to a party that his failure to obey the court's order will  
16 result in dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963  
17 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's  
18 order requiring Juarez to file his updated address by June 18, 2021, expressly stated: "IT  
19 IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this case  
20 will be subject to dismissal without prejudice." (ECF No. 7 at 2.) Juarez thus had adequate  
21 warning that dismissal would result from his noncompliance with the Court's order to file  
22 his updated address by June 18, 2021.

23 It is therefore ordered that this action be dismissed without prejudice based on  
24 Juarez's failure to file an updated address in compliance with this Court's May 17, 2021  
25 order.

26 The Clerk of Court is directed to enter judgment accordingly and close this case.

27 DATED THIS 22<sup>nd</sup> Day of June 2021.

28   
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE